

411th

## CIVIL DOCKET

CIV22-0366

CASE NO. \_\_\_\_\_

S/M Inc., Dallas 1-800-648-7022

Filed 6/10/2022 4:32 PM  
Bobbye Christophe  
District Clerk  
Polk County, Texas

CAUSE NO. CIV22-0366

**Bobbye Christopher, Deputy**

BERKLEY JACKSON

**IN THE DISTRICT COURT**

*Plaintiff,*

V.

## **POLK COUNTY, TEXAS**

PATRICK ALLEN MCCORMICK  
TRUE GRIT TRANSPORTATION, INC.

***Defendant.***

JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

Plaintiff Berkley Jackson (hereinafter, "Plaintiff") complains of Defendant Patrick Allen McCormick (hereinafter, "Defendant"), and would respectfully show the Court that:

## **Discovery Control Plan**

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

### **Jurisdiction and Venue**

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and occurred in Polk County, Texas.

**Statement Regarding Monetary Relief Sought**

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief if necessary.

## Parties

4. Plaintiff Berkley Jackson is an individual residing in Fort Bend County, Texas.

5. Defendant, True Grit Transportation Inc. (Hereinafter, "Defendant True Grit") is a Domestic For-Profit Corporation doing business in Polk County, Texas. Defendant True Grit may be served with process through its registered agent, Registered Joshua Adam Christian at 2724 East Renfro Street, Burleson Texas 76028, or wherever found.

6. Defendant Patrick Allen Mccormick is an individual residing in Rogers County, Texas. Defendant may be served at his residence at 29516 S 4230 Rd, Inola, OK, 74036, or at 443954 E 340 Rd Vinita, OK 74301 or wherever he may be found.

#### Facts

7. This lawsuit is necessary as a result of the personal injuries that Plaintiff suffered on or about April 30, 2022. At that time, Plaintiff was traveling by car North bound on US 59 in Polk County, Texas. Defendant was also traveling North bound on US 59 in the left lane in Polk County, Texas directly behind Plaintiff's vehicle. Defendant failed to control his vehicles speed and maintain a single lane, subsequently crossing into Plaintiff's lane and colliding with the left side of Plaintiff's vehicle. As a result of Defendant's negligence and/or negligence *per se*, Plaintiff suffered serious and permanent injuries.

8. Defendants' aforementioned conduct constitutes negligence and/or negligence *per se* for one or more of the following reasons:

- a) Failing to control the vehicle's speed;
- b) Failed to timely apply his brakes
- c) Failed to yield right-of-way;
- d) Failing to operate the vehicle safely;
- e) Failing to turn the vehicle in an effort to avoid a collision;
- f) Failing to maintain a proper lookout in order to avoid a collision;

- g) Failing to maintain a safe distance;
- h) Failing to make a proper lane change;
- i) Violating applicable, local, state, and federal laws and/or regulations; and
- j) Other acts so deemed negligent.

9. Defendant Patrick was driving a vehicle owned by Defendant True Grit. At all times material hereto, Defendant Patrick, was operating the vehicle in the course and scope of his employment with Defendant True Grit. As such, Defendant True Grit, is vicariously liable for Defendant Patrick's negligent acts and omissions under the doctrine of *respondent superior*. Plaintiff further plead Defendant True Grit was negligent and/or negligent *per se* for one or more of the following reasons:

- a. Negligently entrusted a motor vehicle to an incompetent driver;
- b. Negligently hired and/or retained employees;
- c. Negligently trained and/or supervised employees;
- d. Failed to maintain the vehicle in a reasonably safe condition;
- e. Violated applicable, local, state and federal laws and/or regulations;
- f. Other acts so deemed negligent.

10. As a result of these acts or omissions, Plaintiff claims all damages recognizable by law.

#### Damages

11. By virtue of the actions and conduct of the Defendants set forth above, Plaintiff is seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement;

e. Past lost wages and future loss of earning capacity.

12. By reason of the above, Plaintiff is entitled to recover damages from the Defendants in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

**Duty to Disclose**

13. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendant must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

**Initial Disclosures**

14. Pursuant to Rule 194, Tex. R. Civ. P., Defendant must, without awaiting a discovery request, provide information or materials described in Texas Rule of Civil Procedure 194.2 in Defendant's initial disclosure at or within 30 days after the filing of the first answer. Copies of documents and other tangible things must be served with Defendant's response.

**Rule 193.7 Notice**

15. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

**Prayer**

Plaintiff prays that these citations issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants, both jointly and severally, in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which he may be justly entitled.

Respectfully submitted,

**DASPIT LAW FIRM**

*/s/Kiernan McAlpine*

**Kiernan McAlpine**

Texas State Bar No. 24058519

440 Louisiana St., Suite 1400

Houston, Texas 77002

Telephone: (713) 588-0383

Facsimile: (713) 587-9086

Email: [e-service@daspitlaw.com](mailto:e-service@daspitlaw.com)

**ATTORNEY FOR PLAINTIFF**

**Automated Certificate of eService**

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kimberly Argueta on behalf of Kiernan McAlpine

Bar No. 24058519

kargueta@daspitlaw.com

Envelope ID: 65503917

Status as of 6/17/2022 4:34 PM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Jaimie Holder		jholder@proactivelegal.com	6/16/2022 11:09:07 AM	SENT
Alma Lira		Alira@proactivelegal.com	6/16/2022 11:09:07 AM	SENT
Zorica Milivojevic		Zorica@daspitlaw.com	6/16/2022 11:09:07 AM	SENT
Kiernan McAlpine		kier@daspitlaw.com	6/16/2022 11:09:07 AM	SENT
DLF Intake		intake@daspitlaw.com	6/16/2022 11:09:07 AM	SENT
Daspit Proactive Legal		daspit@proactivelegal.com	6/16/2022 11:09:07 AM	SENT
John Daspit		e-service@daspitlaw.com	6/16/2022 11:09:07 AM	SENT

CITATION - Personal Service: TRC-99

THE STATE OF TEXAS

COUNTY OF POLK

CAUSE NO. CIV22-0366

TO: PATRICK ALLEN MCCORMICK, 29516 S. 4230 Rd., Inola, OK 74036, OR 443954 E 340 Rd, Vinita, OK, 74301, OR WHEREVER HE MAY BE FOUND

Notice to defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 A.M. On the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Court:	411th District Court
Cause No.:	CIV22-0366
Date of Filing:	06/10/2022
Document:	Plaintiff's Original Petition
Parties in Suit:	Berkley Jackson ; True Grit Transportation, Inc ; Patrick Allen McCormick
Clerk:	Bobbye Christopher, District Clerk 101 W. Mill St., Suite 216, Livingston TX 77351
Party or Party's Attorney:	Kiernan Mcalpine Daspit Law Firm 440 Louisiana Suite 1400 Houston Tx 77002 713-223-4878 SBN: 24058519

Issued under my hand and seal of this said court on this the 21st day of June, 2022

Bobbye Christopher, District Clerk  
Livingston, Polk County, Texas

BY: Angela Ainsworth, Deputy  
Angela Ainsworth



#### Service Return

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M., and executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M by delivering to the within named \_\_\_\_\_ in person a true copy of this citation, with attached copy(ies) of the \_\_\_\_\_

Not executed. The diligence used in finding defendant being \_\_\_\_\_  
 Information received as to the whereabouts of defendant being \_\_\_\_\_

Service Fee: \$	Sheriff/Constable County, Texas
Service ID No.	Deputy/Authorized Person

#### VERIFICATION

On this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit and have been authorized by the Polk County Courts to serve process.

Subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

6-27-22 8:30 22  
6-30-22  
m2a

## CITATION - Personal Service TRC-09

THE STATE OF TEXAS

8459-2

COUNTY OF POLK

CAUSE NO. CIV22-0366

TO: TRUE GRIT TRANSPORTATION, INC., MAY BE SERVED WITH PROCESS THROUGH ITS REGISTERD AGENT JOSHUA ADAM CHRISTIAN, 2724 EAST RENFRO STREET, BURLESON TEXAS 76028, OR WHEREVER HE MAY BE FOUND.

Notice to defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 A.M. On the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Court:	411th District Court
Cause No.:	CIV22-0366
Date of Filing:	06/10/2022
Document:	Plaintiff's Original Petition
Parties in Suit:	Berkley Jackson ; True Grit Transportation, Inc.; Patrick Allen McCormick
Clerk:	Bobbye Christopher, District Clerk 101 W. Mill St., Suite 216, Livingston TX 77351
Party or Party's Attorney:	Kiernan McAlpine Daspit Law Firm 440 Louisiana Suite 1400 Houston Tx 77002 713-223-4878 SBN: 24058519

Issued under my hand and seal of this said court on this the 21st day of June, 2022

Bobbye Christopher, District Clerk  
Livingston, Polk County, Texas  
BY: Angela Ainsworth, Deputy  
Angela Ainsworth



## Service Return

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M., and executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M by delivering to the within named \_\_\_\_\_ in person a true copy of this citation, with attached copy(ies) of the \_\_\_\_\_

Not executed. The diligence use in finding defendant being \_\_\_\_\_

Information received as to the whereabouts of defendant being \_\_\_\_\_

Service Fee: \$	Sheriff/Constable County, Texas
Service ID No.	Deputy/Authorized Person

## VERIFICATION

On this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit and have been authorized by the Polk County Courts to serve process.

Subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary Public

\*\* Service by Rule 106 TRC if directed by attached Court Order

**AFFIDAVIT OF SERVICE**

Bobbye Christopher, Deputy

**State of Texas**

**County of POLK**

**411th District Court**

Case Number: CIV22-0366

Plaintiff:

**BERKLEY JACKSON**

vs.

Defendant:

**PATRICK ALLEN MCCORMICK , TRUE GRIT TRANSPORTATION, INC.**

For:

**PROACTIVE LEGAL SOLUTIONS  
440 BENMAR DRIVE #1200  
HOUSTON, TX 77060**

Received by MARGIE L DUNCKEL on the 22nd day of June, 2022 at 1:51 pm to be served on **BY SERVING THE CORPORATE SECRETARY RENEE KALE, 2724 EAST RENFRO STREET, BURLESON, JOHNSON County, TX 76028.**

I, MARGIE L DUNCKEL, being duly sworn, depose and say that on the **30th day of June, 2022 at 3:50 pm**,

**INDIVIDUALLY/PERSONALLY** delivered a true copy of the **CITATION WITH PLAINTIFF'S ORIGINAL PETITION** with the date of service endorsed thereon by me, to: **BY SERVING THE CORPORATE SECRETARY RENEE KALE** at the address of: **2724 EAST RENFRO STREET, BURLESON, JOHNSON County, TX 76028**, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

State of Texas  
County of Johnson

Subscribed and Sworn to before me on the 30th day of June, 2022 by the affiant who is personally known to me.

Margie L. Dunckel  
NOTARY PUBLIC



Margie L. Dunckel

**MARGIE L DUNCKEL**  
PSC#10126 EXP 1/31/2023

**PROACTIVE LEGAL SOLUTIONS  
440 BENMAR DRIVE #1200  
HOUSTON, TX 77060  
(832) 209-7760**

Our Job Serial Number: TIN-2022000429

CAUSE NO. CIV22-0366

Gina Moore, Deputy

BERKLEY JACKSON

IN THE DISTRICT COURT

*Plaintiff,*

v.

POLK COUNTY, TEXAS

PATRICK ALLEN MCCORMICK  
TRUE GRIT TRANSPORTATION, INC*Defendant.*411<sup>TH</sup> JUDICIAL DISTRICT**PLAINTIFF'S FIRST AMENDED PETITION**

Plaintiff Berkley Jackson (hereinafter, "Plaintiff") complains of Defendant Patrick Allen McCormick (hereinafter, "Defendant"), and would respectfully show the Court that:

**Discovery Control Plan**

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

**Jurisdiction and Venue**

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and occurred in Polk County, Texas.

**Statement Regarding Monetary Relief Sought**

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief if necessary.

**Parties**

4. Plaintiff Berkley Jackson is an individual residing in Fort Bend County, Texas.

5. Defendant, True Grit Transportation Inc. (Hereinafter, "Defendant True Grit") is a Domestic For-Profit Corporation doing business in Polk County, Texas. Defendant True Grit may be served with process by serving any member, agent, or officer at 29516 S 4230 Rd, Inola, Oklahoma 74036.

6. Defendant Patrick Allen McCormick is an individual residing in Rogers County, Texas. Defendant may be served at his residence at 29516 S 4230 Rd, Inola, OK, 74036, or at 443954 E 340 Rd Vinita, OK 74301 or wherever he may be found.

7. Defendant CP and C Services Inc. ("CP and P") is a business entity doing business in Polk County, Texas. Defendant CP and C Services Inc. may be served with process by serving any officer, member, or director at 443954 E 340 Rd, Vinita, OK 74301.

### Facts

8. This lawsuit is necessary as a result of the personal injuries that Plaintiff suffered on or about April 30, 2022. At that time, Plaintiff was traveling by car North bound on US 59 in Polk County, Texas. Defendant was also traveling North bound on US 59 in the left lane in Polk County, Texas directly behind Plaintiff's vehicle. Defendant failed to control his vehicle's speed and maintain a single lane, subsequently crossing into Plaintiff's lane and colliding with the left side of Plaintiff's vehicle. As a result of Defendant's negligence and/or negligence *per se*, Plaintiff suffered serious and permanent injuries.

9. Defendants' aforementioned conduct constitutes negligence and/or negligence *per se* for one or more of the following reasons:

- a) Failing to control the vehicle's speed;
- b) Failed to timely apply his brakes
- c) Failed to yield right-of-way;
- d) Failing to operate the vehicle safely;

- e) ~~Failing~~ to turn the vehicle in an effort to avoid a collision;
- f) ~~Failing~~ to maintain a proper lookout in order to avoid a collision;
- g) ~~Failing~~ to maintain a safe distance;
- h) ~~Failing~~ to make a proper lane change;
- i) ~~Violating~~ applicable, local, state, and federal laws and/or regulations; and
- j) ~~Other~~ acts so deemed negligent.

10. ~~Defendant~~ Patrick was driving a vehicle owned by Defendant True Grit. At all times material hereto, ~~Defendant~~ Patrick, was operating the vehicle in the course and scope of his employment with ~~Defendant~~ True Grit. As such, Defendant True Grit, is vicariously liable for Defendant Patrick's negligent acts and omissions under the doctrine of *respondent superior*. Plaintiff further ~~plead~~ Defendant True Grit was negligent and/or negligent *per se* for one or more of the following reasons:

- a. ~~Negligently~~ entrusted a motor vehicle to an incompetent driver;
- b. ~~Negligently~~ hired and/or retained employees;
- c. ~~Negligently~~ trained and/or supervised employees;
- d. ~~Failed~~ to maintain the vehicle in a reasonably safe condition;
- e. ~~Violated~~ applicable, local, state and federal laws and/or regulations;
- f. ~~Other~~ acts so deemed negligent.

11. As a ~~result~~ of these acts or omissions, Plaintiff claims all damages recognizable by law.

#### Damages

12. By ~~virtue~~ of the actions and conduct of the Defendants set forth above, Plaintiff is seriously injured ~~and~~ is entitled to recover the following damages:

- a. ~~Past~~ and future medical expenses;

- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement;
- e. Past lost wages and future loss of earning capacity.

13. By reason of the above, Plaintiff is entitled to recover damages from the Defendants in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

**Duty to Disclose**

14. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendant must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

**Initial Disclosures**

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15. Pursuant to Rule 194, Tex. R. Civ. P., Defendant must, without awaiting a discovery request, provide information or materials described in Texas Rule of Civil Procedure 194.2 in Defendant's initial disclosure at or within 30 days after the filing of the first answer. Copies of documents and other tangible things must be served with Defendant's response.

**Rule 193.7 Notice**

16. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

**Prayer**

Plaintiff prays that these citations issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants, both jointly and severally, in a total sum in

excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which he may be justly entitled.

Respectfully submitted,

**DASPIT LAW FIRM**

/s/Kiernan McAlpine

**Kiernan McAlpine**

Texas State Bar No. 24058519

440 Louisiana St., Suite 1400

Houston, Texas 77002

Telephone: (713) 588-0383

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com

---

**ATTORNEY FOR PLAINTIFF**

**Automated Certificate of eService**

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Zorica Milivojevic on behalf of Kiernan McAlpine  
Bar No. 24058519  
zorica@daspitlaw.com  
Envelope ID: 66168191  
Status as of 7/11/2022 10:29 AM CST

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@daspitlaw.com	7/9/2022 12:54:16 PM	SENT
Alma Lira		Alira@proactivelegal.com	7/9/2022 12:54:16 PM	SENT
Daspit Proactive Legal		daspit@proactivelegal.com	7/9/2022 12:54:16 PM	SENT
Kiernan McAlpine		kier@daspitlaw.com	7/9/2022 12:54:16 PM	SENT
Zorica Milivojevic		Zorica@daspitlaw.com	7/9/2022 12:54:16 PM	SENT
Jaime Holder		jholder@proactivelegal.com	7/9/2022 12:54:16 PM	SENT
John Daspit		e-service@daspitlaw.com	7/9/2022 12:54:16 PM	SENT



July 7, 2022

Bobbye Christopher, District Clerk  
411<sup>th</sup> District Court  
101 W. Mill St., Suite 216  
Livingston, TX 77351  
VIA USPS Priority Mail Tracking 9410 8036 9930 0151 2387 98

RE: Cause No. CIV22-0366

Ms. Christopher,

Please accept this letter as a written answer to the petition filed against True Grit Transportation, Inc. The attorney that filed this case has been notified twice that **True Grit Transportation has been wrongly named** in this lawsuit. I called their office on June 30, 2022 and left a message for someone to call me back. No reply to that call. Also sent an email on June 30, 2022. All Case Contacts were included in the email. Again, no reply. After still no response from Kiernan Mcalpine of Daspit Law Firm, another email was sent today at 1:25PM. This email included the information of the parties that were actually involved in the accident on April 30, 2022. I also sent the law firm the Certified Texas Peace Officer's Crash Report (TxDOT Crash ID 18890803.1/ 2022205864). The crash report clearly states that the Carrier was CP&C Services Inc, 443954 E. 340 Rd., Vinita, OK. 74301. SAFER information for USDOT 1620458 is attached.

Also relayed to Daspit Law Firm was that the truck driver named (Patrick Allen McCormick) in the lawsuit and on the crash report does not and has never been a driver for True Grit Transportation, Inc. The law firm was also advised that we do not own, nor do we have a 1997 Kenworth in our fleet. All of our trucks have ELD's with tracking devices. I have checked the locations of every truck for April 30, 2022. We did not have a truck in the area of the accident on April 30, 2022.

The Claim Adjuster with Greatwest Casualty is William Jackson 817-385-2690. The claim number is R77611L. This is the insurance information for CP&C Services. If the plaintiff, Berkley Jackson, would like to hold someone responsible, please have them contact the correct party. True Grit Transportation, Inc is not the correct party. We had absolutely nothing to do with this. Please release True Grit Transportation, Inc from this lawsuit. We would also appreciate something in writing stating that we have been released. I have requested that twice from Daspit Law Firm and again, no response.

Respectfully,

Renee Kale,  
Office Manager

CC: Kiernan Mcalpine  
Daspit Law Firm  
440 Louisiana  
Suite 1400  
Houston, TX 77002  
VIA USPS Priority Mail Tracking 9410 8036 9930 0151 2388 04

Attachments: Email thread reflecting notifications to Daspit Law Firm  
Certified Texas Peace Officer's Crash Report (TxDOT Crash ID 18890803.1/ 2022205864)  
SAFER Web – Company Snapshot for CP&C Services Inc.  
Copy of Cause No. CIV22-0366

**Renee Kale**

---

**From:** Renee Kale  
**Sent:** Wednesday, July 6, 2022 1:25 PM  
**To:** e-service@daspitlaw.com; kier@daspitlaw.com; jholder@proactivelegal.com; Alira@proactivelegal.com; Zorica@daspitlaw.com; intake@daspitlaw.com; daspit@proactivelegal.com  
**Cc:** photos@gwccnet.com  
**Subject:** Cause No. CIV22-0366 Berkley Jackson v. Patrick Allen McCormick, True Grit Transportation, Inc.  
**Attachments:** Patrick McCormick Crash Report 4-30-22.pdf

Kiernan Mcalpine and Associates (Daspit Law Firm).

Below is an email to the actual claim adjuster for the accident that **True Grit Transportation is wrongly named in** The Texas Peace Officer's Crash Report ID# 18890803.1/ 2022205864 is attached. It clearly names CP and C Services Inc , 443954 E. 340 Rd, Vinita, OK 74301 as the Carrier. Please also be advised that True Grit does not own nor have a 1997 Kenworth in the fleet. Your work has been done for you as far as locating the  
Correct party to name in your lawsuit. The email below to William that shows (claim#) R77611L in the subject line is the Claims Adjuster with Greatwest Casualty. This is the company you probably want to contact.

---

**This is my SECOND REQUEST for written notification that True Grit Transportation, Inc has been removed from the law suit.**

Notes. Called the agent on the police report- came up to Goodman Baker Insurance agency 660-747-5156. The policy is for CP&C Services Inc in Vinita OK. The claim has been turned into Greatwest Casualty. Claim adjuster is William Jackson 817-385-2690. Claim is R77611L. email is [photos@gwccnet.com](mailto:photos@gwccnet.com) .

Respectfully,  
Renee Kale  
True Grit Transportation, Inc.  
(682) 708-5847



**From:** Lisa Ramos <lr@mcanallywilkins.com>  
**Sent:** Wednesday, July 6, 2022 12:19 PM  
**To:** photos@gwccnet.com  
**Cc:** Renee Kale <reneek@truegritinc.com>  
**Subject:** R77611L

William

I was able to track down your information from the police report by going to the Goodman Baker Insurance Agency. Sarah gave me the claim information.

As you can see, my customer, True Grit, has been wrongly named in this lawsuit and Renee Kale is attempting to get the plaintiff's to remove True Grit from this action without having to file this with their insurance.

Can you please contact the plaintiff's attorney and let them know you have this claim and True Grit is not the correct motor carrier and it is CP&C Services Inc?

Regards,

*Lisa Ramos*

Client Service Manager  
McAnally Wilkins, Inc.  
PO Box 60810  
Midland, TX 79711  
Phone 432-685-9365  
MW Claims -432-685-9397  
Cell 817-909-0036 primary  
Email: [lr@mcanallywilkins.com](mailto:lr@mcanallywilkins.com)  
Fax- 855-928-0909



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Coverage is not considered bound or altered unless confirmed in writing. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender and delete this e-mail from your system. If you are not the intended recipient, you should not disseminate, distribute or copy this e-mail or act in reliance thereupon, and any such action is strictly prohibited.

**From:** Renee Kale <[reneekale@truegritinc.com](mailto:reneekale@truegritinc.com)>  
**Sent:** Thursday, June 30, 2022 5:24 PM  
**To:** [e-service@daspitlaw.com](mailto:e-service@daspitlaw.com); [kier@daspitlaw.com](mailto:kier@daspitlaw.com); [jholder@proactivelegal.com](mailto:jholder@proactivelegal.com); [Alira@proactivelegal.com](mailto:Alira@proactivelegal.com); [Zorica@daspitlaw.com](mailto:Zorica@daspitlaw.com); [intake@daspitlaw.com](mailto:intake@daspitlaw.com); [daspit@proactivelegal.com](mailto:daspit@proactivelegal.com)  
**Cc:** [258court@co.polk.tx.us](mailto:258court@co.polk.tx.us)  
**Subject:** Cause No. CIV22-0366 Berkley Jackson v. Patrick Allen McCormick, True Grit Transportation, Inc.

This correspondence is notify you that the True Grit Transportation, Inc named in this law suit is not the correct True Grit. We do not, nor have we ever had a driver named Patrick Allen McCormick. We did not have a truck traveling North bound on US59 in Polk County, TX on April 30, 2022. We did not have trucks in that area. I confirmed this by checking the tracker on each truck.

I called your office today at 3:50pm and left a message advising of this mistake and asked that someone call me back. No one has returned my call.

Your office was notified by the Process Server that you have named the wrong True Grit in this law suit. You were advised that there are other True Grit (trucking companies) in TX and that we do not and have never had a driver by the name of Patrick Allen McCormick.

Please remove our company from this law suit and please notify me in writing that this has been corrected.

I have also copied the Polk County, TX Court Coordinator on this email.

Respectfully,

*Renee Kalle*  
True Grit Transportation, Inc.  
(682) 708-5847





## Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

Wed, 06 July 2022

STATE OF TEXAS §

This is to certify that I, George Villarreal, am employed by the Texas Department of Transportation (Department); that I am the Custodian of Motor Vehicle Crash Records for such Department; that the attached is a true and correct copy of the peace officer's report filed with the Department referred to in the attached request with the crash date of Sat, 30 April 2022, which occurred in Polk County; that the investigations of motor vehicle crashes by peace officers are authorized by law; that this Texas Peace Officer's Crash Report is required by law to be completed and filed with this Department; that this report sets forth matters observed pursuant to duty imposed by law as to which matters there was a duty to report, or factual findings resulting from an investigation made pursuant to authority granted by law.

*George Villarreal, D.F.*

George Villarreal  
Deputy Director  
Traffic Safety Division  
125 East 11th Street  
Austin, Texas 78701



OUR VALUES: People • Accountability • Trust • Honesty  
OUR MISSION: Connecting You With Texas

An Equal Opportunity Employer

Law Enforcement and TxDOT Use ONLY

FATAL  CMV  SCHOOL BUS  RAILROAD  MAB  SUPPLEMENT  ACTIVE SCHOOL ZONE

Total Num. Units	3	Total Num. Persons	2	TxDOT Crash ID	18890803.1 /202205864
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## Texas Peace Officer's Crash Report (Form CR-3 1/1/2018)

Mail to: Texas Department of Transportation, Crash Data and Analysis, P.O. Box 149349, Austin, TX 78714. Questions? Call 844/274-7457

Refer to Attached Code Sheet for Numbered Fields

\*These fields are required on all additional sheets submitted for this crash (ex: additional vehicles, occupants, injured, etc.)

Page 1 of 4

IDENTIFICATION & LOCATION	*Crash Date (MM/DD/YYYY) 04/30/2022				*Crash Time (24-HRMM) 16:47				Case ID				Local Use																																				
	*County Name POLK				*City Name														<input checked="" type="checkbox"/> Outside City Limit																														
	In your opinion, did this crash result in at least \$1,000 damage to any one person's property?				<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Latitude (decimal degrees)	3 0	*	8	3	3	6	0	Longitude (decimal degrees)	0 9	4	*	8	6	3	3	16																										
	ROAD ON WHICH CRASH OCCURRED																																																
	*1 Rdwy Sys. US		*Hwy. Num. 59		2 Rdwy Part		Block Num.		3 Street Prefix		*Street Name		4 Street Suffix																																				
	<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot				<input type="checkbox"/> Toll Road/ Toll Lane		Speed Limit 60		Const Zone <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Workers <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Street Desc.																																				
	INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER																																																
	At <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		1 Rdwy Sys. CR		Hwy Num		2. Rdwy. Part 1		Block Num		3 Street Prefix		Street Name BIG MAN		4 Street Suffix RD																																		
	Distance from Int or Ref Marker 180				<input checked="" type="checkbox"/> F1 <input type="checkbox"/> MI		3 Dir. from Int or Ref. Marker N		Reference Marker		Street Desc.		RRX Num																																				
	Unit Num 1		5 Unit Desc 1		<input type="checkbox"/> Parked Vehicle		<input type="checkbox"/> Hit and Run		LP State OK		LP Num 3BY852		VIN 1 X K W D B 9 X 3 V J 7 4 5 5 2 1																																				
Veh Year 1 9 9 7		6 Veh. Color BLK		Veh. Make KENWORTH		Veh. Model UNKNOWN				7 Body Style TT		<input type="checkbox"/> Pol. Fire, EMS on Emergency (Explain in Narrative if checked)																																					
8 DL/D Type 2		DL/D State OK		DL/D Num 6004640536		9 DL Class 98		10 CDL End 96		11 DL Rest 98		(10)3 (MM/DD/YYYY) 0 3 / 2 4 / 1 9 7 1																																					
Address (Street, City, State, ZIP) 29516 S 4230 RD INOLA, OK 74036																																																	
VEHICLE, DRIVER, & PERSONS																																																	
Person Num. 1				12 Psn. Type		13 Seat Position		Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line								14 Injury Severity		Age		15 Ethnicity		16 Sex		17 Eject.		18 Restri.		19 Airbag		20 Helmet		21 Sol.		22 Alc. Spec.		23 Drug Spec.		24 Drug Result		25 Drug Category									
1 1 1				MCCORMICK, PATRICK ALLEN										N		51		W		1		1		I		97		97		N		96		96		97		97											
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.																																																	
<input checked="" type="checkbox"/> Owner		Owner/Lessee		Name & Address MCCORMICK, PATRICK ALLEN, 443954 E 340 RD VINITA, OK 74301																																													
<input type="checkbox"/> Lessee																																																	
Proof of <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Expired		26 Fin. Resp. <input type="checkbox"/> No <input checked="" type="checkbox"/> Exempt		26 Fin. Resp. Type 2		Fin. Resp. Name ACORD		Fin. Resp. Num WN292402																																									
Fin. Resp. Phone Num 660-747-5156								27 Vehicle Damage Rating 1 1 - R D - 1								27 Vehicle Damage Rating 2 1 - R D - 1								Vehicle Inventioned <input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No																							
Towed By								Towed To																																									
Unit Num 2		5 Unit Desc 6		<input type="checkbox"/> Parked Vehicle		<input type="checkbox"/> Hit and Run		LP State OK		LP Num 434559		VIN 1 G R D M 0 6 2 6 W M 0 2 4 1 0 1																																					
Veh Year 1 9 9 8		6 Veh. Color BLK		Veh. Make GREAT DANE TRAILERS		Veh. Model NOT APPLICABLE				7 Body Style TL		<input type="checkbox"/> Pol. Fire, EMS on Emergency (Explain in Narrative if checked)																																					
8 DL/D Type		DL/D State		DL/D Num.		9 DL Class		10 CDL End		11 DL Rest		(10)3 (MM/DD/YYYY)																																					
Address (Street, City, State, ZIP) 29516 S 4230 RD INOLA, OK 74036																																																	
VEHICLE, DRIVER, & PERSONS																																																	
Person Num. 1				12 Psn. Type		13 Seat Position		Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line								14 Injury Severity		Age		15 Ethnicity		16 Sex		17 Eject.		18 Restri.		19 Airbag		20 Helmet		21 Sol.		22 Alc. Spec.		23 Drug Spec.		24 Drug Result		25 Drug Category									
1 1 1				MCCORMICK, PATRICK ALLEN										N		51		W		1		1		I		97		97		N		96		96		97		97											
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.																																																	
<input checked="" type="checkbox"/> Owner		Owner/Lessee		Name & Address TRUE GRIT TRUCKING, 29516 S 4230 RD INOLA, OK 74036																																													
<input type="checkbox"/> Lessee																																																	
Proof of <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Expired		26 Fin. Resp. <input type="checkbox"/> No <input checked="" type="checkbox"/> Exempt		26 Fin. Resp. Type 2		Fin. Resp. Name ACORD		Fin. Resp. Num WN292402																																									
Fin. Resp. Phone Num 660-747-5156								27 Vehicle Damage Rating 1 1 - R D - 1								27 Vehicle Damage Rating 2 1 - R D - 1								Vehicle Inventioned <input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No																							
Towed By								Towed To																																									

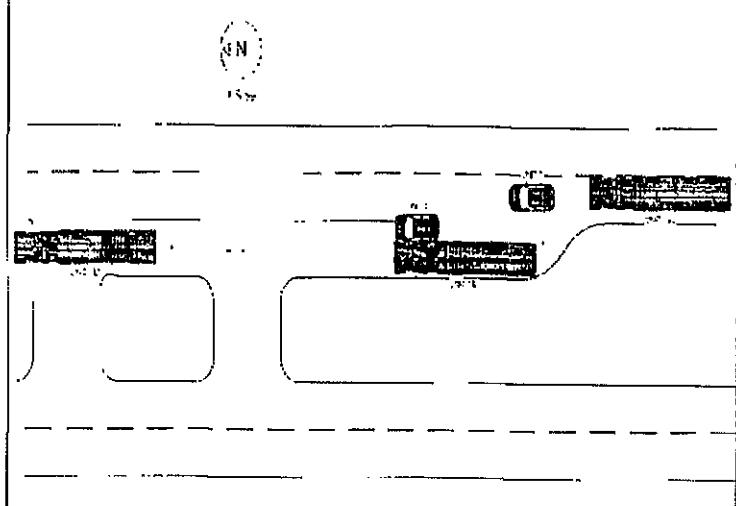
DISPOSITION OF INJURED/ KILLED	Unit Num	Permit Num.	Taken To		Taken By		Date of Death (MM/DD/YYYY)		Time of Death (24HR MM)	

CHARGES	Unit Num	Permit Num	Charge					Citation/Reference Num.		
	1	1	FAIL TO CONTROL SPEED					TX6AOKOTHMAM7		

DAMAGE	Damaged Property Other Than Vehicles			Owner's Name			Owner's Address		

Unit Num 1	10.001+ <input checked="" type="checkbox"/> 165	<input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL	<input type="checkbox"/> 91 CAPACITY	CMV Driving Damage?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	28 Veh Oper	29 Carrier ID Type	Carrier ID Num 01620458
Carrier's Corp Name CP AND C SERVICES INC		Carrier's Primary Addr 443954 E 340 RD VINITA, OK 74301		30 Veh Type 9				
31 Bus Type 0	<input checked="" type="checkbox"/> RGWV <input type="checkbox"/> GWR	8 0 0 C 0	HazMat <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	32 HazMat Class Num ID Num	HazMat Class Num ID Num	32 HazMat Class Num ID Num	HazMat ID Num	33 Cargo Body Type 5
Unit Num 2	<input checked="" type="checkbox"/> RGWV <input type="checkbox"/> GVWR	0	14 Irr Type 2	CMV 12 Working Damage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Num	<input type="checkbox"/> RGWV <input type="checkbox"/> GVWR	34 Trir. Type	CMV 12 Working Damage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Sequence Of Events	35 Seq 1 10	35 Seq 2 13	35 Seq 3	35 Seq 4	Intermodal Shipping Container Permit <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Actual Gross Weight	Total Num. Axles	

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)			37 Vehicle Defects (Investigator's Opinion)			Environmental and Roadway Conditions					
	Unit #	Contributing	May Have Contrib	Contributing	May Have Contrib	38 Weather Cond	39 Light Cond	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control
1	22					1	1	97	2	1	1	17

Investigator's Narrative Opinion of What Happened (Attach Additional Sheets if Necessary)	Field Diagram - Not to Scale
Unit 1, towing Unit 2 was traveling N on US 59 in the left lane. Unit 3 was traveling N on US 59 in front of Unit 1. Unit 3 was slowing to enter into the turning lane approaching a cross over. The driver of Unit 1 stated that Unit 3 suddenly slowed down to get into the turning lane. Unit 1 failed to control its speed. Unit 1 entered into the turning lane to avoid collision as Unit 3 attempted to move into the turning lane. Unit 1 and Unit 3 made contact in the turning lane causing RD damage to Unit 1 and LD damage to Unit 3. All Units stopped in the turning lane.	
<h1>Copy from Custodial File</h1>	

Time Notified (24HR MM)	6 4 7	How Notified POLK COUNTY DISPATCH	Time Arrived (24HRMM)	1 6 5 3	Report Date (MM/DD/YYYY)	05 / 05 / 2022						
Invest Comp	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Investigator Name (Printed) WILKERSON, JOHNNY			ID Num	14686						
ORI Num.		Agency DEPARTMENT OF PUBLIC SAFETY, STATE OF TEXAS				Service/ Region/DA	H	P	2	B	0	4

Law Enforcement and TxDOT Use Only

FATAL  CMV  SCHOOL BUS  RAILROAD  MAB  SUPPLEMENT  ACTIVE SCHOOL ZONE

Total Num. Jnts | 1 3 Total Num. Prints | 1 2 TxDOT Crash ID 18890803.1 /202205864



Mail to: Texas Department of Transportation, Crash Data and Analysis, P O Box 149349, Austin, TX 78714 Questions? Call 844/274-7457

Refer to Attached Code Sheet for Numbered Fields

\*These fields are required on all additional sheets submitted for this crash (ex.: additional vehicles, occupants, injured, etc.)

Page 3 of 4

Crash Date (MM/DD/YYYY)		Crash Time (24h-RMM)		Case ID		Local Use																																																													
04 / 30 / 2022		1 6 : 4 7																																																																	
County Name POLK		*City Name				Outside City Limit <input type="checkbox"/>																																																													
In your opinion, did this crash result in at least \$1,000 damage to any one person's property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Latitude (Decimal degrees) 3 0 1 * 8 3 3 6 0		Longitude (Decimal degrees) 0 9 4 * 8 6 3 3 6																																																															
ROAD ON WHICH CRASH OCCURRED																																																																			
1 Rdwy. Sys	1 Hwy. Num. 59	2 Rdwy Part 1	Block Num	3 Street Prefix	* Street Name		4 Street Suffix																																																												
<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot		<input type="checkbox"/> Toll Road/ Toll Lane	Speed Limit 60	Const. Zone <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Workers Present <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Street Desc.																																																													
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER																																																																			
At <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	1 Rdwy CR Sys	Hwy Num	2 Rdwy Part 1	Block Num	3 Street Prefix	Street Name BIG MAN		4 Street Suffix RD																																																											
Distance from Int or Ref Marker 180		<input checked="" type="checkbox"/> FT <input type="checkbox"/> MI	3 Dir. from Int or Ref Marker N	Reference Marker	Street Desc.	RRX Num																																																													
Unit Num 3	5 Unit Desc 1	<input type="checkbox"/> Parked Vehicle	<input type="checkbox"/> Hit and Run	LP State TX	LP Num HJR9470	VIN S A J W A 0 5 B 8 9 H R 0 7 9 0 5																																																													
Veh Year 2 0 0 9	6 Veh. Color BLK	Veh. Make JAGUAR	Veh. Model XE	7 Body Style P4	<input type="checkbox"/> Pol. File, EMS on Emergency (Explain in Narrative if checked)																																																														
8 DL/D Type 1	DL/D State TX	DL/D Num. 01052167	9 DL Class C	10 CDL End 96	11 DL Rest A	DOB (MM/DD/YYYY) 0 7 1 2 2 1 9 7 2																																																													
Address (Street, City, State, ZIP) 1714 SAN JACINTO AVE RICHMOND, TX 77469																																																																			
<table border="1"> <tr> <td>Person Num.</td> <td>12 Prsn. Type</td> <td>13 Seat Position</td> <td colspan="4">Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line</td> <td>14 Injury Severity</td> <td>Age</td> <td>15 Ethnicity</td> <td>16 Sex</td> <td>17 Eject.</td> <td>18 Restri.</td> <td>19 Airbag</td> <td>20 Helmet</td> <td>21 Sol.</td> <td>22 Alc. Spec.</td> <td>23 Drug Spec.</td> <td>24 Drug Result</td> <td>25 Drug Category</td> </tr> <tr> <td>1</td> <td>1</td> <td>1</td> <td colspan="4">JACKSON, BARKLEY CLAUDE</td> <td>N</td> <td>49</td> <td>B</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>97</td> <td>N</td> <td>96</td> <td></td> <td>96</td> <td>97</td> <td>97</td> </tr> <tr> <td colspan="9"></td> <td colspan="9">Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit</td> </tr> </table>									Person Num.	12 Prsn. Type	13 Seat Position	Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line				14 Injury Severity	Age	15 Ethnicity	16 Sex	17 Eject.	18 Restri.	19 Airbag	20 Helmet	21 Sol.	22 Alc. Spec.	23 Drug Spec.	24 Drug Result	25 Drug Category	1	1	1	JACKSON, BARKLEY CLAUDE				N	49	B	1	1	1	1	97	N	96		96	97	97										Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit								
Person Num.	12 Prsn. Type	13 Seat Position	Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line				14 Injury Severity	Age	15 Ethnicity	16 Sex	17 Eject.	18 Restri.	19 Airbag	20 Helmet	21 Sol.	22 Alc. Spec.	23 Drug Spec.	24 Drug Result	25 Drug Category																																																
1	1	1	JACKSON, BARKLEY CLAUDE				N	49	B	1	1	1	1	97	N	96		96	97	97																																															
									Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit																																																										
<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Lessee		Owner/Lessee Name & Address DARRELL, DARRELL, 1714 FAIR ST LUFKIN, TX 75904																																																																	
Proof of <input checked="" type="checkbox"/> Yes <input type="checkbox"/> I exempt		26 Fin Resp Type 2	Fin Resp Name SAFE AUTO		Fin Resp Num TX00321529																																																														
Fin. Resp. Phone Num 800-723-3288				27 Vehicle Damage Rating 1 1 1 L D 3		27 Vehicle Damage Rating 2		Vehicle Inventioned <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																											
Towed By CLIFTON WRECKER		Towed To 118 W 2ND ST CORRIGAN, TX 75939																																																																	
Unit Num	5 Unit Desc	<input type="checkbox"/> Parked Vehicle	<input type="checkbox"/> Hit and Run	LP State	LP Num	VIN																																																													
Veh Year	6 Veh Color	Veh Make	Veh. Model	7 Body Style										<input type="checkbox"/> Pol. File, EMS on Emergency (Explain in Narrative if checked)																																																					
8 DL/D Type	DL/D State	DL/D Num	9 DL Class	10 CDL End	11 DL Rest	DOB (MM/DD/YYYY)																																																													
Address (Street, City, State, ZIP)																																																																			
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<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Lessee		Owner/Lessee Name & Address																																																																	
Proof of <input type="checkbox"/> Yes <input checked="" type="checkbox"/> I exempt		26 Fin Resp Type	Fin Resp Name		Fin Resp Num																																																														
Fin. Resp. Phone Num				27 Vehicle Damage Rating 1		27 Vehicle Damage Rating 2		Vehicle Inventioned <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																											
Towed By		Towed To																																																																	

Copy from Custodial File

DISPOSITION OF INJURED/KILLED	Unit Num	Prsn. Num	Taken To			Taken By			Date of Death (MM/DD/YYYY)		Time of Death (24HR MM)				
CHARGES	Unit Num	Prsn. Num	Charge							Citation/Reference Num					
DAMAGE	Damaged Property Other Than Vehicles				Owner's Name				Owner's Address						
CMV	Unit Num	<input type="checkbox"/> 10,001+ <input type="checkbox"/> TBS	<input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL	<input type="checkbox"/> 9+ CAPACITY	CMV Disabling	<input type="checkbox"/> Yes	28 Veh	29 Carrier ID Type	Carrier ID Num						
					<input type="checkbox"/> No	Oper									
Sequence Of Events	35 Seq 1	35 Seq 2		35 Seq 3		35 Seq 4		Intermodal Shipping	<input type="checkbox"/> Yes	Actual Gross Weight	Total Num. Axles				
								Container Permit	<input type="checkbox"/> No						
FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)				37 Vehicle Defects (Investigator's Opinion)				Environmental and Roadway Conditions						
	Unit #	Contributing		May Have Contrib		Contributing		May Have Contrib	38 Weather Cond	39 Light Cond	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control
NARRATIVE AND DIAGRAM	Investigator's Narrative Opinion of What Happened (Attach Additional Sheets if Necessary)								Field Diagram - Not to Scale						

Copy from Custodial File

INVESTIGATOR	Time Notified (24HR MM)	1	6	4	7	How Notified	POLK COUNTY DISPATCH		Time Arrived (24HRMM)	1	6	5	3	Report Date (MM/DD/YYYY)	05/05/2022				
	Invest Comp	<input checked="" type="checkbox"/> Yes	Investigator Name (Printed)						14686										
ORI Num							*Agency DEPARTMENT OF PUBLIC SAFETY, STATE OF TEXAS						Service/Region/DA	H	P	2	B	0	4

USDOT Number  VC/MX Number  Name

Enter Value: 1620458

**Company Snapshot**

C P &amp; C SERVICES INC

USDOT Number. 1620458

**ID/Operations | Inspections/Crashes In US | Inspections/Crashes In Canada | Safety Rating**

**Carriers:** If you would like to update the following ID/Operations information, please complete and submit form [MCS-150](#) which can be obtained [online](#) or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using [FMCSA's DataQs system](#).

**Carrier and other users:** FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public; interested in obtaining greater detail on a particular motor carrier's safety performance than what is captured in the Company Snapshot. To obtain a CSP please visit the [CSP order page](#) or call (800)832-6660 or (703)285-4001 (Fee Required)

For help on the explanation of individual data fields click on any field name or for help of a general nature go to [SAFER General Help](#)

The information below reflects the content of the FMCSA management information systems as of 07/05/2022.

To find out if this entity has a pending insurance cancellation, please [click here](#).

**Other Information for this Carrier**

- [SMS Results](#)
- [Licensing & Insurance](#)

Entity Type:	CARRIER																																
Operating Status:	AUTHORIZED FOR Property	Out of Service Date:	None																														
Legal Name:	C P & C SERVICES INC																																
DOT Name:																																	
Physical Address:	443954 E 340 RD VINITA, OK 74301																																
Phone:	918) 497-6666																																
Mailing Address:	443954 E 340 RD VINITA, OK 74301																																
USDOT Number:	1620458	State Carrier ID Number:																															
MC/MX/FF Number(s):	MC-598567	DUNS Number:	-																														
Power Units:	8	Drivers:	10																														
MCS-150 Form Date:	01/12/2022	MCS-150 Miles per Year:	796,405 (2021)																														
<b>Operation Classification:</b>																																	
<table> <tr> <td><input checked="" type="checkbox"/> Auth. For Hvy</td> <td><input type="checkbox"/> Hvy. Pass (Non-business)</td> <td><input type="checkbox"/> State Gov't</td> </tr> <tr> <td><input type="checkbox"/> Exempt for Hvy</td> <td><input type="checkbox"/> Migrant</td> <td><input type="checkbox"/> Local Gov't</td> </tr> <tr> <td><input type="checkbox"/> Private(Property)</td> <td><input type="checkbox"/> U.S. Mail</td> <td><input type="checkbox"/> Indian Nation</td> </tr> <tr> <td><input type="checkbox"/> Priv. Pass (Business)</td> <td><input type="checkbox"/> Fed. Gov't</td> <td></td> </tr> </table>				<input checked="" type="checkbox"/> Auth. For Hvy	<input type="checkbox"/> Hvy. Pass (Non-business)	<input type="checkbox"/> State Gov't	<input type="checkbox"/> Exempt for Hvy	<input type="checkbox"/> Migrant	<input type="checkbox"/> Local Gov't	<input type="checkbox"/> Private(Property)	<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> Indian Nation	<input type="checkbox"/> Priv. Pass (Business)	<input type="checkbox"/> Fed. Gov't																			
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<b>Carrier Operation:</b>																																	
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<b>Cargo Carried:</b>																																	
<table> <tr> <td><input checked="" type="checkbox"/> General Freight</td> <td><input type="checkbox"/> Liquids/Gases</td> <td><input type="checkbox"/> Chemicals</td> </tr> <tr> <td><input type="checkbox"/> Household Goods</td> <td><input type="checkbox"/> Intermodal Cont</td> <td><input type="checkbox"/> Commodities Dry Bulk</td> </tr> <tr> <td><input checked="" type="checkbox"/> Metal sheets, coils, rolls</td> <td><input type="checkbox"/> Passengers</td> <td><input type="checkbox"/> Refrigerated Food</td> </tr> <tr> <td><input type="checkbox"/> Motor Vehicles</td> <td><input checked="" type="checkbox"/> Oilfield Equipment</td> <td><input type="checkbox"/> Beverages</td> </tr> <tr> <td><input checked="" type="checkbox"/> Drive/Draw away</td> <td><input type="checkbox"/> Livestock</td> <td><input type="checkbox"/> Paper Products</td> </tr> <tr> <td><input type="checkbox"/> Logs, Poles, Beams, Lumber</td> <td><input type="checkbox"/> Grain, Feed, Hay</td> <td><input type="checkbox"/> Jutes</td> </tr> <tr> <td><input type="checkbox"/> Building Materials</td> <td><input type="checkbox"/> Coal/Coke</td> <td><input type="checkbox"/> Agriculture/Farm Supplies</td> </tr> <tr> <td><input type="checkbox"/> Mobile Homes</td> <td><input type="checkbox"/> Meat</td> <td><input checked="" type="checkbox"/> Construction</td> </tr> <tr> <td><input checked="" type="checkbox"/> Machinery, Large Objects</td> <td><input type="checkbox"/> Garbage/Refuse</td> <td><input type="checkbox"/> Water Well</td> </tr> <tr> <td><input type="checkbox"/> Fresh Produce</td> <td><input type="checkbox"/> US Mail</td> <td></td> </tr> </table>				<input checked="" type="checkbox"/> General Freight	<input type="checkbox"/> Liquids/Gases	<input type="checkbox"/> Chemicals	<input type="checkbox"/> Household Goods	<input type="checkbox"/> Intermodal Cont	<input type="checkbox"/> Commodities Dry Bulk	<input checked="" type="checkbox"/> Metal sheets, coils, rolls	<input type="checkbox"/> Passengers	<input type="checkbox"/> Refrigerated Food	<input type="checkbox"/> Motor Vehicles	<input checked="" type="checkbox"/> Oilfield Equipment	<input type="checkbox"/> Beverages	<input checked="" type="checkbox"/> Drive/Draw away	<input type="checkbox"/> Livestock	<input type="checkbox"/> Paper Products	<input type="checkbox"/> Logs, Poles, Beams, Lumber	<input type="checkbox"/> Grain, Feed, Hay	<input type="checkbox"/> Jutes	<input type="checkbox"/> Building Materials	<input type="checkbox"/> Coal/Coke	<input type="checkbox"/> Agriculture/Farm Supplies	<input type="checkbox"/> Mobile Homes	<input type="checkbox"/> Meat	<input checked="" type="checkbox"/> Construction	<input checked="" type="checkbox"/> Machinery, Large Objects	<input type="checkbox"/> Garbage/Refuse	<input type="checkbox"/> Water Well	<input type="checkbox"/> Fresh Produce	<input type="checkbox"/> US Mail	
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**ID/Operations | Inspections/Crashes In US | Inspections/Crashes In Canada | Safety Rating**

US Inspection results for 24 months prior to: 07/05/2022

Total Inspections: 27

Total IEP Inspections: 0

Note: Total inspections may be less than the sum of vehicle, driver, and hazard inspections. Go to [Inspections Help](#) for further information.

**Inspections**

Inspection Type	Vehicle	Driver	Hazard	IEP
Inspections	21	27	0	0
Out of Service	2	0	0	0
Out of Service %	9.5%	0%	%	0%

Nat. Average % as of DATE 06/24/2022*		21.48%	6.11%	4.65%	N/A

\*DOS rates calculated based on the most recent 24 months of inspection data per the latest monthly SAFER Snapshot

#### Crashes reported to FMCSA by states for 24 months prior to: 07/05/2022

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

Crashes				
Type	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

#### [ID/Operations](#) | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

#### Canadian Inspection results for 24 months prior to: 07/05/2022

Total Inspections: 0

Note: Total inspections may be less than the sum of vehicle and driver inspections. Go to [Inspections Help](#) for further information.

Inspection Type	Inspections	
	Vehicle	Driver
Inspections	0	0
Out of Service	0	0
Out of Service %	0%	0%

#### Crashes results for 24 months prior to: 07/05/2022

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

Crashes				
Type	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

#### [ID/Operations](#) | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

*The carrier safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.*

#### [Carrier Safety Rating](#)

The rating below is current as of: 07/05/2022

#### Review Information:

Rating Date	08/02/2016	Review Date	07/17/2017
Rating	Star Rating	Type	Compliance Review



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Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, NW, Washington, DC 20590-1100 • 1-800-843-6563 • 1-800-677-0350 (in DC) • 1-800-843-6563 (in Canada)

6-27-22 7770 6-30-22  
7770

CITATION - Personal Service TRC-00

THE STATE OF TEXAS

COUNTY OF POLK

CAUSE NO. CIV22-0366

8459-2

TO: TRUE GRIT TRANSPORTATION, INC., MAY BE SERVED WITH PROCESS THROUGH ITS REGISTERD AGENT JOSHUA ADAM CHRISTIAN, 2724 EAST RENFRO STREET, BURLESON TEXAS 76028, OR WHEREVER HE MAY BE FOUND.

Notice to defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 A.M. On the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Court:	411th District Court
Cause No.:	CIV22-0366
Date of Filing:	06/10/2022
Document:	Plaintiff's Original Petition
Parties in Suit:	Berkley Jackson ; True Grit Transportation, Inc.; Patrick Allen McCormick
Clerk:	Bobbye Christopher, District Clerk 101 W. Mill St., Suite 216, Livingston TX 77351
Party or Party's Attorney:	Kiernan Mcalpine Daspli Law Firm 440 Louisiana Suite 1400 Houston Tx 77002 713-223-4878 SBN: 24058519

Issued under my hand and seal of this said court on this the 21st day of June, 2022

Bobbye Christopher, District Clerk  
Livingston, Polk County, Texas  
BY: Angela Ainsworth, Deputy  
Angela Ainsworth

#### Service Return

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M., and executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M by delivering to the within named \_\_\_\_\_ in person a true copy of this citation, with attached copy(ies) of the \_\_\_\_\_

Not executed. The diligence use in finding defendant being \_\_\_\_\_  
 Information received as to the whereabouts of defendant being \_\_\_\_\_

Service Fee: \$	Sheriff/Constable County, Texas
Service ID No.	Deputy/Authorized Person

#### VERIFICATION

On this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit and have been authorized by the Polk County Courts to serve process.

Subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Filed 6/10/2022 4:32 PM  
Bobbye Christopher  
District Clerk  
Polk County, Texas

Bobbye Christopher, Deputy

CAUSE NO. CIV22-0366

BERKLEY JACKSON

IN THE DISTRICT COURT

*Plaintiff,*

v.

POLK COUNTY, TEXAS

PATRICK ALLEN MCCORMICK  
TRUE GRIT TRANSPORTATION, INC

*Defendant.*

JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

Plaintiff Berkley Jackson (hereinafter, "Plaintiff") complains of Defendant Patrick Allen McCormick (hereinafter, "Defendant"), and would respectfully show the Court that:

**Discovery Control Plan**

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

**Jurisdiction and Venue**

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and occurred in Polk County, Texas.

**Statement Regarding Monetary Relief Sought**

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief if necessary.

**Parties**

4. Plaintiff Berkley Jackson is an individual residing in Fort Bend County, Texas.

5. Defendant, True Grit Transportation Inc. (Hereinafter, "Defendant True Grit") is a Domestic For-Profit Corporation doing business in Polk County, Texas. Defendant True Grit may be served with process through its registered agent, Registered Joshua Adam Christian at 2724 East Renfro Street, Burleson Texas 76028, or wherever found.

6. Defendant Patrick Allen McCormick is an individual residing in Rogers County, Texas. Defendant may be served at his residence at 29516 S 4230 Rd, Inola, OK, 74036, or at 443954 E 340 Rd Vinita, OK 74301 or wherever he may be found.

Facts

7. This lawsuit is necessary as a result of the personal injuries that Plaintiff suffered on or about April 30, 2022. At that time, Plaintiff was traveling by car North bound on US 59 in Polk County, Texas. Defendant was also traveling North bound on US 59 in the left lane in Polk County, Texas directly behind Plaintiff's vehicle. Defendant failed to control his vehicle's speed and maintain a single lane, subsequently crossing into Plaintiff's lane and colliding with the left side of Plaintiff's vehicle. As a result of Defendant's negligence and/or negligence *per se*, Plaintiff suffered serious and permanent injuries.

8. Defendants' aforementioned conduct constitutes negligence and/or negligence *per se* for one or more of the following reasons:

- a) Failing to control the vehicle's speed;
- b) Failed to timely apply his brakes
- c) Failed to yield right-of-way;
- d) Failing to operate the vehicle safely;
- e) Failing to turn the vehicle in an effort to avoid a collision;
- f) Failing to maintain a proper lookout in order to avoid a collision;

- g) Failing to maintain a safe distance;
- h) Failing to make a proper lane change;
- i) Violating applicable, local, state, and federal laws and/or regulations; and
- j) Other acts so deemed negligent.

9. Defendant Patrick was driving a vehicle owned by Defendant True Grit. At all times material hereto, Defendant Patrick, was operating the vehicle in the course and scope of his employment with Defendant True Grit. As such, Defendant True Grit, is vicariously liable for Defendant Patrick's negligent acts and omissions under the doctrine of *respondeat superior*. Plaintiff further plead Defendant True Grit was negligent and/or negligent *per se* for one or more of the following reasons:

- a. Negligently entrusted a motor vehicle to an incompetent driver;
- b. Negligently hired and/or retained employees;
- c. Negligently trained and/or supervised employees;
- d. Failed to maintain the vehicle in a reasonably safe condition;
- e. Violated applicable, local, state and federal laws and/or regulations;
- f. Other acts so deemed negligent.

10. As a result of these acts or omissions, Plaintiff claims all damages recognizable by law.

**Damages**

11. By virtue of the actions and conduct of the Defendants set forth above, Plaintiff is seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement;

e. Past lost wages and future loss of earning capacity.

12. By reason of the above, Plaintiff is entitled to recover damages from the Defendants in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

**Duty to Disclose**

13. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendant must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

**Initial Disclosures**

14. Pursuant to Rule 194, Tex. R. Civ. P., Defendant must, without awaiting a discovery request, provide information or materials described in Texas Rule of Civil Procedure 194.2 in Defendant's initial disclosure at or within 30 days after the filing of the first answer. Copies of documents and other tangible things must be served with Defendant's response.

**Rule 193.7 Notice**

15. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

**Prayer**

Plaintiff prays that these citations issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants, both jointly and severally, in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which he may be justly entitled.

Respectfully submitted,

**DASPIT LAW FIRM**

/s/Kiernan McAlpine

Kiernan McAlpine

Texas State Bar No. 24058519

440 Louisiana St., Suite 1400

Houston, Texas 77002

Telephone: (713) 588-0383

Faxsimile: (713) 587-9086

Email: e-service@daspitlaw.com

**ATTORNEY FOR PLAINTIFF**

---

**Automated Certificate of eService**

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kimberly Argueta on behalf of Kiernan McAlpine  
Bar No. 24058519  
kargueta@daspitlaw.com  
Envelope ID: 65503917  
Status as of 6/17/2022 4:34 PM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Kim Holder		jholder@proactivelegal.com	6/16/2022 11:09:07 AM	SENT
Alma Lira		Alira@proactivelegal.com	6/16/2022 11:09:07 AM	SENT
Zorica Milivojevic		Zorica@daspitlaw.com	6/16/2022 11:09:07 AM	SENT
Kiernan McAlpine		kier@daspitlaw.com	6/16/2022 11:09:07 AM	SENT
DLF Intake		intake@daspitlaw.com	6/16/2022 11:09:07 AM	SENT
Daspit Proactive Legal		daspit@proactivelegal.com	6/16/2022 11:09:07 AM	SENT
John Daspit		e-service@daspitlaw.com	6/16/2022 11:09:07 AM	SENT

CAUSE NO. CIV22-0366

Gina Moore, Deputy

BERKLEY JACKSON

IN THE DISTRICT COURT

*Plaintiff,*

v.

POLK COUNTY, TEXAS

PATRICK ALLEN MCCORMICK  
TRUE GRIT TRANSPORTATION, INC*Defendant.*411<sup>TH</sup> JUDICIAL DISTRICT**PLAINTIFF'S FIRST AMENDED PETITION**

Plaintiff Berkley Jackson (hereinafter, "Plaintiff") complains of Defendant Patrick Allen McCormick (hereinafter, "Defendant"), and would respectfully show the Court that:

**Discovery Control Plan**

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

**Jurisdiction and Venue**

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and occurred in Polk County, Texas.

**Statement Regarding Monetary Relief Sought**

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief if necessary.

**Parties**

4. Plaintiff Berkley Jackson is an individual residing in Fort Bend County, Texas.

5. Defendant, True Grit Transportation Inc. (Hereinafter, "Defendant True Grit") is a Domestic For-Profit Corporation doing business in Polk County, Texas. Defendant True Grit may be served with process by serving any member, agent, or officer at 29516 S 4230 Rd, Inola, Oklahoma 74036.

6. Defendant Patrick Allen McCormick is an individual residing in Rogers County, Texas. Defendant may be served at his residence at 29516 S 4230 Rd, Inola, OK, 74036, or at 443954 E 340 Rd Vinita, OK 74301 or wherever he may be found.

7. Defendant CP and C Services Inc. ("CP and P") is a business entity doing business in Polk County, Texas. Defendant CP and C Services Inc. may be served with process by serving any officer, member, or director at 443954 E 340 Rd, Vinita, OK 74301.

### Facts

8. This lawsuit is necessary as a result of the personal injuries that Plaintiff suffered on or about April 30, 2022. At that time, Plaintiff was traveling by car North bound on US 59 in Polk County, Texas. Defendant was also traveling North bound on US 59 in the left lane in Polk County, Texas directly behind Plaintiff's vehicle. Defendant failed to control his vehicle's speed and maintain a single lane, subsequently crossing into Plaintiff's lane and colliding with the left side of Plaintiff's vehicle. As a result of Defendant's negligence and/or negligence *per se*, Plaintiff suffered serious and permanent injuries.

9. Defendants' aforementioned conduct constitutes negligence and/or negligence *per se* for one or more of the following reasons:

- a) Failing to control the vehicle's speed;
- b) Failed to timely apply his brakes
- c) Failed to yield right-of-way;
- d) Failing to operate the vehicle safely;

- e) ~~Failing~~ to turn the vehicle in an effort to avoid a collision;
- f) ~~Failing~~ to maintain a proper lookout in order to avoid a collision;
- g) ~~Failing~~ to maintain a safe distance;
- h) ~~Failing~~ to make a proper lane change;
- i) ~~Violating~~ applicable, local, state, and federal laws and/or regulations; and
- j) ~~Other~~ acts so deemed negligent.

10. ~~Defendant~~ Patrick was driving a vehicle owned by Defendant True Grit. At all times material hereto, ~~Defendant~~ Patrick, was operating the vehicle in the course and scope of his employment with ~~Defendant~~ True Grit. As such, Defendant True Grit, is vicariously liable for Defendant Patrick's negligent acts and omissions under the doctrine of *respondent superior*. Plaintiff further ~~plead~~ Defendant True Grit was negligent and/or negligent *per se* for one or more of the following reasons:

- a. ~~Negligently~~ entrusted a motor vehicle to an incompetent driver;
- b. ~~Negligently~~ hired and/or retained employees;
- c. ~~Negligently~~ trained and/or supervised employees;
- d. ~~Failed~~ to maintain the vehicle in a reasonably safe condition;
- e. ~~Violated~~ applicable, local, state and federal laws and/or regulations;
- f. ~~Other~~ acts so deemed negligent.

11. As a ~~result~~ of these acts or omissions, Plaintiff claims all damages recognizable by law.

#### Damages

12. By ~~virtue~~ of the actions and conduct of the Defendants set forth above, Plaintiff is seriously injured ~~and~~ is entitled to recover the following damages:

- a. ~~Past~~ and future medical expenses;

- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement;
- e. Past lost wages and future loss of earning capacity.

13. By reason of the above, Plaintiff is entitled to recover damages from the Defendants in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

**Duty to Disclose**

14. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendant must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

**Initial Disclosures**

---

15. Pursuant to Rule 194, Tex. R. Civ. P., Defendant must, without awaiting a discovery request, provide information or materials described in Texas Rule of Civil Procedure 194.2 in Defendant's initial disclosure at or within 30 days after the filing of the first answer. Copies of documents and other tangible things must be served with Defendant's response.

**Rule 193.7 Notice**

16. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

**Prayer**

Plaintiff prays that these citations issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants, both jointly and severally, in a total sum in

excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which he may be justly entitled.

Respectfully submitted,

**DASPIT LAW FIRM**

/s/Kiernan McAlpine

**Kiernan McAlpine**

Texas State Bar No. 24058519

440 Louisiana St., Suite 1400

Houston, Texas 77002

Telephone: (713) 588-0383

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com

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**ATTORNEY FOR PLAINTIFF**

**Automated Certificate of eService**

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Zorica Milivojevic on behalf of Kiernan McAlpine  
Bar No. 24058519  
zorica@daspitlaw.com  
Envelope ID: 66168191  
Status as of 7/11/2022 10:29 AM CST

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@daspitlaw.com	7/9/2022 12:54:16 PM	SENT
Alma Lira		Alira@proactivelegal.com	7/9/2022 12:54:16 PM	SENT
Daspit Proactive Legal		daspit@proactivelegal.com	7/9/2022 12:54:16 PM	SENT
Kiernan McAlpine		kier@daspitlaw.com	7/9/2022 12:54:16 PM	SENT
Zorica Milivojevic		Zorica@daspitlaw.com	7/9/2022 12:54:16 PM	SENT
Jaime Holder		jholder@proactivelegal.com	7/9/2022 12:54:16 PM	SENT
John Daspit		e-service@daspitlaw.com	7/9/2022 12:54:16 PM	SENT



**COPY**

**Polk County District Clerk's Office**  
**101 W. Mill Suite 216**  
**Livingston, Texas 77351**  
**936-327-6814**

Payor  
 Ramey, Chandler, Quinn & Zito P.C.

Receipt No.  
**2022-05418-DC**

Transaction Date  
 07/18/2022

Description	Amount Paid
Miscellaneous Payment	
Miscellaneous Fee Schedule	15.00
<b>SUBTOTAL</b>	<b>15.00</b>
	<b>PAYMENT TOTAL</b>
	<b>15.00</b>
Check (Ref #36058) Tendered	15.00
Total Tendered	<b>15.00</b>
Change	0.00

Copies in CIV 22-0366

07/18/2022  
 08:34 AM

Cashier  
 Station COUNTERKW

Audit  
 980686

**OFFICIAL RECEIPT**

THE STATE OF TEXAS

COUNTY OF POLK

CAUSE NO. CIV22-0366

TO: CP AND C SERVICES INC., 443954 E 340 RD., VINITA, OK 74301

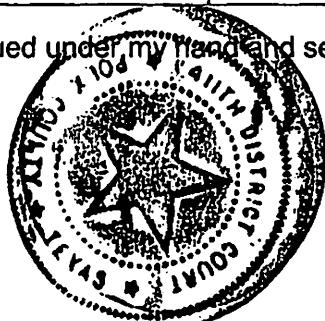
Notice to defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 A.M. On the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TexasLawHelp.org](http://TexasLawHelp.org).

Court:	411th District Court
Cause No.:	CIV22-0366
Date of Filing:	07/06/2022
Document:	Plaintiff's First Amended Petition
Parties in Suit:	BERKLEY JACKSON ; True Grit Transportation, Inc.; Patrick Allen McCormick ; Cp And C Services Inc.
Clerk:	Bobbye Christopher, District Clerk 101 W. Mill St., Suite 216, Livingston TX 77351
Party or Party's Attorney:	Kiernan Mcalpine Daspit Law Firm 440 Louisiana Suite 1400 Houston TX 77002 713-223-4878 SBN: 24058519

Issued under my hand and seal of this said court on this the 11th day of July, 2022

Bobbye Christopher, District Clerk  
Livingston, Polk County, Texas

BY: Angela Ainsworth, Deputy  
Angela Ainsworth



#### Service Return

Came to hand on the 19th day of July, 2022, at PM M., and executed on the 25th day of July, 2022, at P M by delivering to the within named Patrick McCormick, Authorized Agent for CP and C Services, Inc. in person a true copy of this citation, with attached copy(ies) of the Citation and Plaintiff's First Amended Petition

Not executed. The diligence use in finding defendant being \_\_\_\_\_  
 Information received as to the whereabouts of defendant being \_\_\_\_\_

Service Fee: \$ N/A	Sheriff/Constable County, Texas
Service ID No.	David Daniels Deputy/Authorized Person

#### VERIFICATION

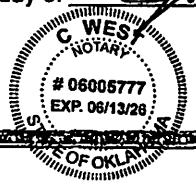
On this day personally appeared David Daniels known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit and have been authorized by the Polk County Courts to serve process.

Subscribed and sworn to before me on this the 28 day of July, 2022

Christ

Notary Public

\*\* Service by Rule 106 TRC if directed by attached Court Order



Gina Moore, Deputy

CAUSE NO. CIV22-0366

BERKLEY JACKSON	§	IN THE DISTRICT COURT OF
	§	
	§	
VS.	§	POLK COUNTY, T E X A S
	§	
	§	
PATRICK ALLEN MCCORMICK	§	411TH
TRUE GRIT TRANSPORTATION, INC.	§	<del>281<sup>ST</sup></del> JUDICIAL DISTRICT

**DEFENDANT, PATRICK ALLEN MCCORMICK'S ORIGINAL ANSWER TO**  
**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, PATRICK ALLEN MCCORMICK, a Defendant in the above-entitled and numbered cause, and files its Original Answer, respectfully showing unto the Court as follows:

**I. GENERAL DENIAL**

As authorized by **TRCP 92**, PATRICK ALLEN MCCORMICK enters a general denial of all matters pled by Plaintiff and requests that the Court require Plaintiff, BERKLEY JACKSON, to prove his charges and allegations by a preponderance of the evidence that is required by the Constitution and laws of the State of Texas.

**II. JURY DEMAND**

For further answer, if such be necessary, pursuant to **TRCP 216**, PATRICK ALLEN MCCORMICK hereby demands trial by jury. Any due jury fee is attached.

WHEREFORE, PREMISES CONSIDERED, Defendant, PATRICK ALLEN MCCORMICK, prays that, upon final hearing hereof, Plaintiff not recover as prayed for in Plaintiff's Original Petition, and for such other and further relief, at law or in equity, as

Defendant, PATRICK ALLEN MCCORMICK, may show himself justly entitled to receive.

Respectfully submitted,

**RAMEY, CHANDLER, QUINN & ZITO, P.C.**

/s/ John F. Elwood

John F. Elwood  
State Bar No. 06594600  
750 Bering, Suite 600  
Houston, Texas 77057  
Telephone: (713) 266-0074  
Facsimile: (713) 266-1064  
Email: [jelwood@ramey-chandler.com](mailto:jelwood@ramey-chandler.com)

**(Do not use this e-mail for service of documents)**

**Designated E-Service Email Address**

The following is the designation of electronic service email address for the above attorney(s) for all electronically served documents and notices, filed and unfiled, pursuant to Tex. R. Civ. P. 21(f)(2) and 21(a):

**RCQZ-ESERVICE@RAMEY-CHANDLER.COM**

This is the ONLY electronic service email address for the above attorney(s), and service through any other email address will be considered invalid.

**ATTORNEYS FOR DEFENDANT,  
PATRICK ALLEN MCCORMICK**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was sent to all opposing counsel, in accordance with the rules, on the 13<sup>th</sup> day of July, 2022.

Kiernan McAlpine  
DASPIK LAW FIRM  
440 Louisiana Street, Suite 1400  
Houston, Texas 77002  
*Attorney for Plaintiff*

*Via E-Service*

/s/ John F. Elwood  
John F. Elwood

### **Automated Certificate of eService**

This automated certificate of service was created by the efilings system. The filer served this document via email generated by the efilings system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Diana Miranda on behalf of John Elwood  
 Bar No. 6594600  
 dmiranda@ramey-chandler.com  
 Envelope ID: 66286918  
 Status as of 7/14/2022 2:31 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@daspitlaw.com	7/13/2022 2:59:20 PM	SENT
Kiernan McAlpine		kier@daspitlaw.com	7/13/2022 2:59:20 PM	SENT
Zorica Milivojevic		Zorica@daspitlaw.com	7/13/2022 2:59:20 PM	SENT
John Daspit		e-service@daspitlaw.com	7/13/2022 2:59:20 PM	SENT

Associated Case Party: PATRICK ALLEN MCCORMICK

Name	BarNumber	Email	TimestampSubmitted	Status
John F.Elwood		rcqz-eservice@ramey-chandler.com	7/13/2022 2:59:20 PM	SENT

**CAUSE NO. CIV22-0366**

<b>BERKLEY JACKSON</b>	<b>§</b>	<b>IN THE DISTRICT COURT</b>
<i>Plaintiff,</i>	<b>§</b>	
<b>v.</b>	<b>§</b>	<b>POLK COUNTY, TEXAS</b>
<b>PATRICK ALLEN MCCORMICK</b>	<b>§</b>	
<b>TRUE GRIT TRANSPORTATION, INC</b>	<b>§</b>	
<i>Defendant.</i>	<b>§</b>	<b>411<sup>TH</sup> JUDICIAL DISTRICT</b>

---

**PLAINTIFF'S NOTICE OF NON-SUIT WITHOUT PREJUDICE**

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff Berkley Jackson, in the above-styled and numbered cause, by and through his attorney of records and moves the Court for an Order dismissing Defendant True Grit Transportation, Inc., in this case and in support thereof shows that Plaintiff no longer desires to prosecute suit against this Defendant.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, requests that this Court enter an Order dismissing this suit against Defendant, True Grit Transportation, Inc. without prejudice, with attorneys' fees and court costs payable by the party who incurred the same.

*[Signature Block Continued On Next Page]*

Respectfully submitted,

/s/ Kiernan McAlpine  
Kiernan McAlpine  
ATTORNEY-IN-CHARGE  
State Bar Number: 24058519  
Fed. Bar Number: 1132611  
DASPIT LAW FIRM, PLLC  
440 Louisiana Street, Suite 1400  
Houston, Texas 77002  
Phone: (713) 322-4878  
Fax No.: (713) 587-9086  
E-mail: e-service@daspitlaw.com

**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on all parties and counsel of record in accordance with TEX. R. CIV. P. 21a.

Dated: July 28, 2022

/s/ Kiernan McAlpine  
Kiernan McAlpine

**CAUSE NO. CIV22-0366**

**BERKLEY JACKSON**

**IN THE DISTRICT COURT**

*Plaintiff,*

v.

**POLK COUNTY, TEXAS**

**PATRICK ALLEN MCCORMICK  
TRUE GRIT TRANSPORTATION, INC**

*Defendant.*

**411<sup>TH</sup> JUDICIAL DISTRICT**

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**ORDER GRANTING PLAINTIFF'S NONSUIT WITHOUT PREJUDICE**

---

ON THIS DAY, came on to be heard Plaintiff, Berkley Jackson's Notice of Non-Suit Without Prejudice. The Court is of the Opinion it should in all things be GRANTED.

It is, therefore, ORDERED that Plaintiff, Berkley Jackson's claims against True Grit Transportation, Inc., be DISMISSED WITHOUT PREJUDICE. The parties shall bear their own attorneys' fees and costs. Any such further relief not granted by this order is hereby denied.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2022

---

**JUDGE PRESIDING**



**BOBBYE CHRISTOPHER  
POLK COUNTY DISTRICT CLERK**  
101 W. Mill Street, Suite 216, Livingston, TX 77351  
Phone: (936) 327-6814 Fax: (936) 327-6851

**NOTICE OF COURT ORDER**

TRCP 306(a) &239(a)  
Family Code 6.710

To: John F. Elwood  
750 Bering  
Suite 600  
Houston TX 77057

**RE:** Cause No. CIV22-0366 in the 411th District Court of Polk County, Texas.

**Styled: BERKLEY JACKSON vs. TRUE TRANSPORTATION, INC.**

YOU ARE HEREBY NOTIFIED that the document described below was filed with the Clerk of the District Court at 101 W. Mill Street, Suite 216, Polk County Judicial Center in Livingston, Texas and entered into the minutes of the court.

Document: **Order Granting Plaintiff's Nonsuit Without Prejudice**

Date Signed: 08/08/2022

Date Filed: 08/09/2022

Date Mailed: 8/9/2022

This order may be subject to appeal. If you are an individual (not a company), your money or property may be protected from being taken to pay this judgment. Find out more by visiting [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property). A copy of the order may be obtained from the clerk's office at the address above. Fees for copies are \$1.00 per page.

BOBBYE CHRISTOPHER  
Polk County District Clerk

Monica Goodson  
Deputy Clerk

CAUSE NO. CIV22-0366

BERKLEY JACKSON

§

IN THE DISTRICT COURT

*Plaintiff,*

§

v.

POLK COUNTY, TEXAS

PATRICK ALLEN MCCORMICK  
TRUE GRIT TRANSPORTATION, INC

§  
§  
§  
§

*Defendant.*

§  
§

411<sup>TH</sup> JUDICIAL DISTRICT

---

**ORDER GRANTING PLAINTIFF'S NONSUIT WITHOUT PREJUDICE**

---

ON THIS DAY, came on to be heard Plaintiff, Berkley Jackson's Notice of Non-Suit Without Prejudice. The Court is of the Opinion it should in all things be GRANTED.

It is, therefore, ORDERED that Plaintiff, Berkley Jackson's claims against True Grit Transportation, Inc., be DISMISSED WITHOUT PREJUDICE. The parties shall bear their own attorneys' fees and costs. Any such further relief not granted by this order is hereby denied.

8/8/2022

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2022



---

JUDGE PRESIDING

Filed 8/9/2022 1:41 PM  
Bobbye Christopher  
District Clerk  
Polk County, Texas

**Automated Certificate of eService**

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Zorica Milivojevic on behalf of Kiernan McAlpine

Bar No. 24058519

zorica@daspitlaw.com

Envelope ID: 66801526

Status as of 8/9/2022 1:41 PM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@daspitlaw.com	7/29/2022 12:10:33 PM	SENT
Alma Lira		Alira@proactivelegal.com	7/29/2022 12:10:33 PM	SENT
Daspit Proactive Legal		daspit@proactivelegal.com	7/29/2022 12:10:33 PM	SENT
Kiernan McAlpine		kier@daspitlaw.com	7/29/2022 12:10:33 PM	SENT
Zorica Milivojevic		Zorica@daspitlaw.com	7/29/2022 12:10:33 PM	SENT
Jaime Holder		jholder@proactivelegal.com	7/29/2022 12:10:33 PM	SENT
John Daspit		e-service@daspitlaw.com	7/29/2022 12:10:33 PM	SENT

**Automated Certificate of eService**

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Zorica Milivojevic on behalf of Kiernan McAlpine

Bar No. 24058519

zorica@daspitlaw.com

Envelope ID: 66801526

Status as of 8/9/2022 1:41 PM CST

Associated Case Party: PATRICK ALLEN MCCORMICK

Name	BarNumber	Email	TimestampSubmitted	Status
John F.Elwood		rcqz-eservice@ramey-chandler.com	7/29/2022 12:10:33 PM	SENT

CAUSE NO. CIV22-0366

BERKLEY JACKSON § IN THE DISTRICT COURT OF  
§  
§  
VS. § POLK COUNTY, T E X A S  
§  
§  
PATRICK ALLEN MCCORMICK §  
TRUE GRIT TRANSPORTATION, INC. § 411<sup>th</sup> JUDICIAL DISTRICT

**DEFENDANT, CP AND C SERVICES INC.'S,**  
**ORIGINAL ANSWER AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, CP AND C SERVICES INC., a Defendant in the above-entitled and numbered cause, and files its Original Answer and Jury Demand, respectfully showing unto the Court as follows:

**I. GENERAL DENIAL**

As authorized by **TRCP 92**, CP AND C SERVICES INC. enters a general denial of all matters pled by Plaintiff and requests that the Court require Plaintiff, BERKLEY JACKSON, to prove her charges and allegations by a preponderance of the evidence that is required by the Constitution and laws of the State of Texas.

**II. JURY DEMAND**

For further answer, if such be necessary, pursuant to **TRCP 216**, CP AND C SERVICES INC. hereby demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant, CP AND C SERVICES INC., prays that, upon final hearing hereof, Plaintiff not recover as prayed for in Plaintiff's Petition, and for such other and further relief, at law or in equity, as Defendant, CP AND C SERVICES

INC., may show itself justly entitled to receive.

Respectfully submitted,

**RAMEY, CHANDLER, QUINN & ZITO, P.C.**

/s/ John F. Elwood \_\_\_\_\_

John F. Elwood  
State Bar No. 06594600  
750 Bering, Suite 600  
Houston, Texas 77057  
Telephone: (713) 266-0074  
Facsimile: (713) 266-1064  
Email: [jelwood@ramey-chandler.com](mailto:jelwood@ramey-chandler.com)

**(Do not use this e-mail for service of documents)**

**Designated E-Service Email Address**

The following is the designation of electronic service email address for the above attorney(s) for all electronically served documents and notices, filed and unfiled, pursuant to Tex. R. Civ. P. 21(f)(2) and 21(a):

**RCQZ-ESERVICE@RAMEY-CHANDLER.COM**

This is the ONLY electronic service email address for the above attorney(s), and service through any other email address will be considered invalid.

**ATTORNEYS FOR DEFENDANTS,  
PATRICK ALLEN MCCORMICK AND  
CP AND C SERVICES INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was sent to all opposing counsel, in accordance with the rules, on the 18<sup>th</sup> day of August, 2022.

Kiernan McAlpine  
DASPIK LAW FIRM  
440 Louisiana Street, Suite 1400  
Houston, Texas 77002  
*Attorney for Plaintiff*

*Via E-Service*

/s/ John F. Elwood \_\_\_\_\_

John F. Elwood